

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**JAMIE JORDAN, ET AL.,**

**PLAINTIFFS**

**VS.**

**NO. 4:00cv15-WAP-EMB**

**JEFF STEWART,**

**DEFENDANT**

**REPORT AND RECOMMENDATION**

Upon further review of the file and record of this action, the undersigned finds that by Order dated September 20, 2005, this Court granted plaintiffs' counsel's motion for leave to withdraw and granted plaintiffs time until October 4, 2005, to either notify the Court in writing of their intent to proceed *pro se* or have substitute counsel file an entry of appearance. Plaintiffs were warned that failure to comply with that Order could lead to dismissal of their claims. As of this date, no response has been filed by any plaintiff, and there is no record that any plaintiff has requested additional time to comply with the Court's Order. Based on the foregoing, it appears plaintiffs have abandoned this lawsuit, and it should not remain on the Court's docket. Therefore, it is recommended that this action be dismissed for plaintiffs' failure to prosecute and for their failure to obey an order of the Court under FED.R.CIV.P. 41(b).

The parties are referred to Local Rule 72.2(D) for the applicable procedure in the event any party desires to file objections to the findings and recommendations herein contained. The parties are warned that any such objections are required to be in writing and must be filed within ten days of this date. Failure to timely file written objections to the proposed findings, conclusions and recommendations contained in this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions

accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Respectfully submitted this, the 14th day of October, 2005.

**/s/ Eugene M. Bogen**  
**U. S. MAGISTRATE JUDGE**